

GAHC010065552023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(CrI.)/276/2023

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

VERSUS

MD. ZAKIR HUSSAIN
S/O MD. TAIZUDDIN,
VILL.- NO. 1, BORBORI,
P.S.- LAHARIGHAT, DIST.- MORIGAON, ASSAM.

Advocate for the Petitioner : PP, ASSAM

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 17.02.2024
(K.R. Surana, J)

Heard Ms. S.H. Bora, learned counsel for the State and Mr. A.A. Deewan, learned counsel appearing for the respondent.

2. By filing this interlocutory application under Section 5 of the Limitation Act, the State has prayed for condoning the delay of 68 days beyond the period of limitation in filing the connected criminal leave petition as well as the appeal against the judgment and order dated 14.10.2022 passed by the learned Sessions Judge-cum-Special Judge, Morigaon in POCSO Case No. 24/2021, thereby acquitting the respondent who was charged for committing an offence under Section 341/366-A/367 IPC read with Section 4 of the POCSO Act.

3. Although the learned counsel for the respondent has objected to the prayer made in this application, considering the fact that the State has filed an appeal against the order of acquittal and taking note of the reasons assigned in paragraph 12 of this interlocutory application explaining the delay, the same is accepted as good and sufficient cause which has prevented the applicant to file the connected appeal on time. Accordingly, the delay of 68 days beyond the period of limitation in filing the connected criminal leave petition as well as the appeal stands condoned.

4. This application stands allowed.

JUDGE

JUDGE

Comparing Assistant